

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

NEW ENGLAND CENTRAL
RAILROAD, INC.,

Plaintiff,

-v.-

Civil Action No. 04-30235-MAP

SPRINGFIELD TERMINAL
RAILWAY COMPANY, et al.,

Defendants.

**DEFENDANTS' SECOND MOTION
TO COMPEL DISCOVERY—
EXPEDITED CONSIDERATION REQUESTED**

The defendants, Springfield Terminal Railway Company and Boston and Maine Corporation, hereby move, pursuant to Fed. R. Civ. P. 37 and Loc. R. 37.1, to compel the plaintiff, New England Central Railroad, Inc. ("NECR") to respond to the defendants' interrogatories and requests for production of documents. Counsel for the parties have conferred repeatedly but responses promised repeatedly by NECR have not been forthcoming. The defendants served the relevant requests for production and interrogatories on June 30, 2006, five months ago. They have received but a single document, plus incomplete answers to their interrogatories. The additional relevant facts and reasons are set out in the accompanying Declaration of Eric L. Hirschhorn and Memorandum of Reasons in Support of Defendants' Second Motion to Compel Discovery.

For the reasons set forth in those documents, this Court should order NECR to produce the requested documents and provide full responses to Interrogatories 10, 13, and 15 forthwith. Moreover, the Court should order NECR to pay the defendants' reasonable costs of bringing this motion.

Respectfully submitted,



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November 21, 2006

CERTIFICATION

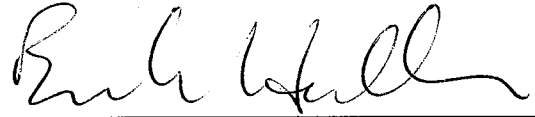
I hereby certify that that the provisions of Local Rule 37.1 have been complied with. Numerous discovery conferences have been held but the missing documents and interrogatory answers have not been provided by NECR.



Eric L. Hirschhorn

CERTIFICATE OF SERVICE

I hereby certify that service will be made on counsel for the plaintiff by means of the Court's electronic filing system.

A handwritten signature in black ink, appearing to read "Eric L. Hirschhorn", written over a horizontal line.

Eric L. Hirschhorn